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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

February 18, 2014

Certified Mail
7011 2000 0001 1428 7372

Larrupin Café
1658 Patricks Point Drive
Trinidad, CA 95570

Attention: Dixie Gorrell, Owner

COMPLIANCE ORDER NO. 01-01-14R-001

Enclosed is a compliance order for continued monthly turbidity failures. The order specifies action to be taken by Larrupin Café to achieve compliance and avoid future civil penalties.

Section 116577 of the California Safe Drinking Water Act provides for our department to be reimbursed by the public water system for costs incurred for preparing and issuing an enforcement action to that system. Therefore, your water system will be billed for the preparation and issuance of this order. Our costs are approximately \$126 per hour. At this time we have spent approximately 2 hours on enforcement activities associated with this violation. You will receive a bill for these costs in August, following the end of the State's fiscal year, from our Fee Billing Unit in Sacramento.

Should you have any questions, please contact me at (530) 224-4872 or Craig Bunas at (530) 224-4887.

Tony Wiedemann, P.E.
Klamath District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosure

cc: Richard Hinrichs, Chief – DDW – Northern California Section

System No. 1200831

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

RE: Larrupin Café
1658 Patricks Point Drive
Trinidad, CA 95570

TO: Dixie Gorrell, Owner

COMPLIANCE ORDER NO. 01-01-14R-001

WATER SYSTEM NAME: Larrupin Café
WATER SYSTEM NO. 1200831

Issued on February 18, 2014

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues this Compliance Order to the Larrupin Café public water system (hereafter Larrupin Café) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64653(c).

The California Health and Safety Code (CHSC), Division 104, Part 12, Chapter 4, Section 116655, authorizes the issuance of an order directing compliance with the requirements of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard, permit, or order issued thereunder.

Applicable Authorities

A copy of the *Applicable Statutes and Regulations* is located in Appendix 1, which is attached hereto and incorporated by reference.



FINDINGS

The Larrupin Café is a transient noncommunity water system that provides potable water to the restaurant customers, employees, and other visitors, and is located near Trinidad, in Humboldt County.

The Larrupin Café filters surface water from McNeal Creek with slow sand filters which have failed to meet the monthly performance standard for turbidity, especially during the wet weather season when raw water turbidities are elevated.

The first slow sand filters were installed sometime before 1993 but were consistently unable to meet the turbidity standard of 1.0 NTU in 95% of measurements taken each month. The slow sand filters were replaced in December 2006 with two, new slow sand filters plus a new roughing filter and filter control tank, however, Larrupin Café was still unable to consistently meet the turbidity standard of 1.0 NTU in 95% of measurements taken each month.

The following documents were prepared by the Department of Public Health citing or requesting correction to the turbidity violations:

August 11, 1997 - Inspection Report

September 7, 2000 - Inspection Report

March 4, 2004 - Notice of Violation

May 17, 2004 - Notice of Violation

July 19, 2004 - Notice of Violation

December 14, 2005 - Notice of Violation

January 13, 2006 - Notice of Violation

March 13, 2006 - Notice of Violation

May 8, 2006 - Notice of Violation



1 September 6, 2006 - Notice of Violation

2 November 15, 2006 - Notice of Violation

3 April 17, 2007 - Notice of Violation

4 May 14, 2008 - Notice of Violation

5 August 27, 2009 – Water Supply Permit

6 February 4, 2011 – Citation

7 April 22, 2011 – Citation

8 September 1, 2011 - Citation

9 November 30, 2012 – Citation

10 July 19, 2013 – Inspection Report

11
12 On May 21, 2008, particle counting of the raw and filtered water was conducted by this
13 Department. As experienced with other slow sand filters with similar raw water quality, the
14 Department suspected that the turbidity in the filtered water may be primarily due to
15 submicron particles. Based on the data collected it was concluded that the slow sand filters
16 with the roughing filter may be achieving 99 percent removal of both Giardia and
17 Cryptosporidium cyst sized particles. It was acknowledged, however, that the data collected
18 was from a one-time grab sample and did not necessarily represent year round operations.
19 Nevertheless, the particle count data provided some insight into the filter performance and
20 indicated that the turbidity failures were not a significant health risk. In view of this, the
21 Department postponed enforcement action while Larrupin Café investigated options to
22 improve turbidity removal.

23
24 Except for the first year following construction of the slow sand filters, when no violation was
25 assessed because it was questioned if the filters had time to ripen before the wet weather
26 season, the filters have failed to meet the performance standards every year during the wet
27 weather season. Most recently, the filters failed to meet the turbidity performance standard
during nine months in 2013.



1
2 The Department is not aware of any systematic sampling program by Larrupin Café to
3 determine if the filter effluent prior to disinfection meets the maximum contaminant level for
4 total coliforms when the filter effluent is greater than 1.0 NTU (refer to CCR, Table 64653).
5 This is an option that Larrupin Café may want to investigate.
6

7 Based on the above, it appears that the existing filtration technology used by Larrupin Café
8 is not appropriate for the raw water quality they experience. Although turbidity itself has no
9 health effects, high levels of turbidity can interfere with disinfection and provide a medium
10 for microbial growth.
11

12 **CONCLUSIONS OF LAW**

13 Based on the above Findings, the Department has determined that Larrupin Café has
14 violated the following provision contained in Title 22, California Code of Regulations (CCR):
15

16 Section 64653(c), specifically Table 64653(4)(A), requires that the turbidity level of the
17 combined filter effluent... "Shall be less than or equal to 1.0 NTU in 95 percent of the
18 measurements taken each month. Filtered water from the treatment plant may exceed
19 1.0 NTU, provided the filter effluent prior to disinfection meets the maximum
20 contaminant level for total coliforms as specified in 22 CCR Section 64426.1."
21

22 **ORDER**

23 1. By September 1, 2016, Larrupin Café shall cease and desist from failing to comply with
24 CCR Section 64653(c) by ensuring that its surface water treatment complies with the
25 California Surface Water Treatment Regulations or by providing an adequate and
26 reliable groundwater supply that complies with the California Waterworks Standards and
27 primary drinking water standards or a combination thereof.



1 2. By October 1, 2014, Larrupin Café shall provide the Department with an acceptable plan
2 and schedule outlining the proposed studies, investigations, and pilot tests, to be
3 conducted for determining the best alternative to comply with the directive in Item 1
4 above. The plan and schedule must include a description of and the proposed dates for
5 studies, investigations, and pilot tests, if needed.

6
7 3. By October 1, 2015, Larrupin Café shall provide the Department with a status report and
8 an updated plan and schedule to comply with the directive in Item 1 above. The status
9 report must summarize the findings of the studies, investigations, and pilot tests. The
10 plan and schedule must include a description and estimated cost of the proposed
11 project, the proposed dates for preparation of plans and specifications, and construction
12 or installation of the facilities. If the proposed project has not yet been determined, the
13 plan and schedule must also include; a) a description of the remaining alternatives to be
14 evaluated, b) a description of and the proposed dates for further studies, investigations,
15 and pilot tests, if needed, and, c) the date that the proposed project will be determined.
16 The schedule must specify that the improvements will be completed and operational by
17 September 1, 2016.

18
19 4. Until improvements are completed, Larrupin Café shall continue to operate the slow
20 sand filter plant as diligently as possible to produce the best possible water quality. The
21 Department will continue to notify Larrupin Café of future turbidity failures. Larrupin
22 Café shall continue to notify its users of turbidity failures following each month of failure
23 and continuing as long as failure persists, or as required by the Department. The
24 enclosed document entitled "Important Information Our Your Drinking Water" may be
25 used by Larrupin Café to fulfil the public notification requirement, and is available in
26 electronic format from this office upon request.

27



1 In accordance with Title 22, CCR, Section 64463.4(c)(2), public notice shall be given by:

2 a. Posting in conspicuous locations throughout the area served by the water system,

3 and:

4 b. Using one or more of the following methods to reach persons not likely to be

5 reached by a public posting;

6 • Publication in a local newspaper or newsletter distributed to customers

7 • E-mail message to employees or students

8 • Posting on the Internet or intranet

9 • Direct delivery to each customer

10
11 Within ten days of distribution of the notice, you must submit documentation certifying to

12 our department that notification was completed as required and include a representative

13 copy of each type of public notice given [Title 22, CCR, Section 64469(d)]. Completing

14 and returning the enclosed "Certification of Completion of Public Notification" fulfills this

15 requirement.

16
17 5. The Department reserves the right to make such modifications to this Order as it may

18 deem necessary to protect public health and safety. Such modifications may be issued

19 as amendments to this Order and shall be effective upon issuance. All submittals

20 required by this Order shall be addressed to:

21 Tony Wiedemann, P.E., Senior Sanitary Engineer
22 California Department of Public Health
23 Drinking Water Field Operations
24 364 Knollcrest Drive, Suite 101
25 Redding, CA 96002
26
27



1 6. If Larrupin Café is unable to perform the tasks specified in this Order for any reason,
2 whether within or beyond its control, and if the Larrupin Café notifies the Department in
3 writing no less than thirty days in advance of the due date, the Department may extend
4 the time for performance if the Larrupin Café demonstrates that it has used its best
5 efforts to comply with the schedule and other requirements of this Order.

6
7 7. If the Larrupin Café fails to perform any of the tasks specified in this Order by the time
8 described herein or by the time as subsequently extended pursuant to Item 6 above,
9 Larrupin Café shall be deemed to have failed to comply with the obligations of this Order
10 and may be subject to additional judicial action, including civil penalties specified in the
11 CHSC, Section 116650.

12
13 8. The State of California shall not be liable for any injuries or damages to persons or
14 property resulting from acts of omissions by Larrupin Café, its owners, employees,
15 agents, or contractors in carrying out activities pursuant to this Order, nor shall the State
16 of California be held as a party to any contract entered into by Larrupin Café or its
17 agents in carrying out activities pursuant to this Order.

18
19 **PARTIES BOUND**

20 This Order shall apply to and be binding upon the Larrupin Café, its owners, officers,
21 directors, agents, employees, contractors, successors, and assignees.

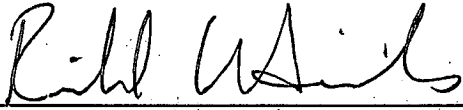
22
23 **SEVERABILITY**

24 The requirements of this Order are severable, and Larrupin Café shall comply with each
25 and every provision thereof notwithstanding the effectiveness of any provisions.

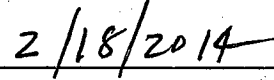


CIVIL PENALTIES

Failure to comply with any provision of the Compliance Order may result in the Department imposing additional enforcement actions (Citations) and administrative penalties.



Richard L. Hinrichs, P.E., Chief
Northern California Section
Drinking Water Field Operations Branch



Date

APPENDIX 1

APPLICABLE AUTHORITIES

Section 116655 of the CHSC states in relevant part:

- (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
 - (1) Directing compliance forthwith.
 - (2) Directing compliance in accordance with a time schedule set by the department.
 - (3) Directing that appropriate preventive action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
 - (1) That the existing plant, works, or system be repaired, altered, or added to.
 - (2) That purification or treatment works be installed.
 - (3) That the source of the water supply be changed.
 - (4) That no additional service connection be made to the system.
 - (5) That the water supply, the plant, or the system be monitored.
 - (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

California Code of Regulations (CCR), Section 64653(c) and Table 64653 states:

- (c) A supplier shall comply with the combined filter effluent turbidity performance standards in table 64653 for each treatment plant while the plant is in operation:

Table 64653

Combined Filter Effluent Turbidity Performance Standards^(a)

| <i>If a supplier uses...</i> | <i>The turbidity level of the combined filter effluent...</i> |
|---|--|
| (1) Conventional or direct filtration treatment and serves 10,000 or more persons | (A) Shall be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month; (B) Shall not exceed 1 NTU for more than one continuous hour; (C) Shall not exceed 1 NTU at four-hour intervals; and (D) Shall not exceed 1.0 NTU for more than eight consecutive hours. |
| (2) Conventional or direct filtration treatment and serves fewer than 10,000 persons | (A) Shall be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month; (B) For a supplier using a grab sample monitoring program: 1. Shall not exceed 1 NTU; and 2. Shall not exceed 1.0 NTU in more than two consecutive samples; and (C) For a supplier using a continuous monitoring program: 1. If recording results at least once every 15 minutes, shall comply with paragraph (1)(B); and 2. Shall comply with paragraphs (1)(C) and (1)(D). |
| (3) Diatomaceous earth filtration | (A) Shall be less than or equal to 0.5 NTU in at least 95 percent of the measurements taken each month; (B) Shall not exceed 5.0 NTU; (C) For a supplier using a grab sample monitoring program, shall comply with paragraph (2)(B)2; and (D) For a supplier using a continuous monitoring program, shall comply with paragraph (1)(D). |
| (4) Slow sand filtration | (A) Shall be less than or equal to 1.0 NTU in at least 95 percent of the measurements taken each month. Filtered water from the treatment plant may exceed 1.0 NTU, provided the filter effluent prior to disinfection meets the maximum contaminant level for total coliforms as specified in 22 CCR section 64426.1; and (B) Shall not exceed 5.0 NTU. |
| (a) If there is only one filter at the treatment plant, the combined filter effluent turbidity performance standards shall apply to the effluent produced by the filter. | |

Section 64463.4 of CCR: Tier 2 Public Notice

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1; or

(B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the Department as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

Section 64469 of CCR: Reporting Requirements (Relevant Part)

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under 64463.7(d), each water system shall submit a certification to the Department that it has done so, along with a representative copy of each type of public notice given.

IMPORTANT INFORMATION ABOUT OUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Larrupin Café Drinking Water System Did Not Meet the Treatment Requirement (Turbidity)

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor your water for turbidity (cloudiness). This tells us whether we are effectively filtering the water supply. Water samples for the month/year of _____ showed that more than 5 percent of turbidity measurements were over 1.0 turbidity units. The standard is that no more than 5 percent of samples may exceed 1.0 turbidity units per month.

What should you do?

You do not need to take corrective actions. We do not know of any contamination, and none of our testing has shown disease-causing organisms in the drinking water.

Turbidity has no health effects. However, high levels of turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These symptoms are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What Happened? What Was Done?

It appears that the present water treatment system may not be able to treat the water adequately. Larrupin Café is in the process of improving the water system.

For more information, please contact _____ of the Larrupin Café at _____.

Please share this information with other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

State Water System ID#: 1200831

Date distributed: _____

Certification of Completion of Public Notification

This form when completed and returned to the Division of Drinking Water and Environmental Management (415 Knollcrest Drive, Suite 110, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463 – 64465.

Public Water System Name Larrupin Cafe

Public Water System No. 1200831

Public notification for the _____ turbidity failure was performed by the following method(s) (check and complete those that apply):

_____ The notice was posted in the following conspicuous places:
A copy of the notice is attached.

Provide the date (or dates) that the notice was posted _____

_____ The notice was published in a local newspaper or newsletter on _____
A copy of the newspaper or newsletter notice is attached.

_____ The notice was e-mailed to employees or students on _____
A copy of the notice is attached.

_____ The notice was posted on the Internet or intranet on _____
A copy of the notice is attached.

_____ The notice was directly delivered to each customer on _____
A copy of the notice is attached.

I hereby certify that the above information is factual.

Printed Name

Signature

Date